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The Harding Way

During the disarmament conferences President Harding will not keep his motor car in gear to rush to and from the meeting place. He will be a close observer of the proceedings, but not a personal participant. He is willing to trust his Secretary of State.

Moreover, on the delegation he plans to have representatives of the Senate—one from the majority and one from the minority. Other members are expected to be men of weight—neither lackeys nor speaking tubes, and capable of forming their own judgments, while at the same time not insensible of the value of team work.

The President is headed toward reestablishing normalcy in the handling of the country's international relations. He saw how a departure did not work. So old-fashioned practices seem especially good to him. A prudent gentleman, he would have any arrangement arrived at indorsed by public opinion and ratified by the Senate. It's safer to consult early those who must some time be consulted.

The President has made no loud boasts of his knowledge of psychology, yet he has some notion of how the average human mind works. He deals with conditions not as they might be, or perhaps should be, but as they are. So he is surely, even though slowly, building up a reputation that will stand him in good stead should a crisis arise.

The formula on which he acts is not difficult to imagine. He has seen how one way didn't work, and he tries its contrary. No one will ever know how much the fiasco of one great negotiation was due to fault of method and how much to insufficiency of idea. The way to avoid the one defect is simple, and by careful consideration the President hopes to avoid the other.

Spain's National Hero

Spain's great festival at Burgos might, merely as the seventh centenary of the cathedral, command but little attention in America, although the city was once the capital of the kingdom of Old Castile and the cathedral is one of the supreme masterpieces of thirteenth century architecture, rivaled in interest by only those of Leon and Toledo.

But what makes the celebration of interest to all the world is the fact that it will witness the transfer of the dust of Rodrigo Diaz and his wife Ximena from the Town Hall to a stately tomb in the cathedral, and will thus be a reminder and a confirmation of the reality of that national hero of Spain who, as El Cid Campeador the Lord Conqueror, has for centuries been so enveloped in extravagant legendry as to seem, like Roland and Prester John, more mythical than real.

The "Poem of the Cid," the oldest existing document in the Spanish language, does indeed actually surpass the "Chanson de Roland" and vies with the "Lay of the Nibelungs" for fanciful and extravagant invention. The familiar romances of the Cid cutting off the head of the Count of Gormaz and then marrying his daughter, his invasion of France and his defiance of the Emperor and the Pope are all sheer invention.

Yet there was a Rodrigo Diaz who because of his prowess in battle was called by his Moorish vassals "Sid-I" or "My Lord," and because of his overthrow of a mighty Navarrese champion was called "El Campeador." He married Ximena, cousin of King Alfonso of Leon. He scourged the King of Aragon and the Count of Barcelona, he conquered and captured Valencia, he routed the vastly superior forces of the Almoravides, for five years he ruled as sovereign over the fairest and richest territory in the Iberian Peninsula, and he died of grief and wrath at the defeat of his hitherto always victorious army. His bitterest enemy, Ibn Bassam, of Seville, uttered his most striking eulogy, coupled with fierce malediction:

"This man, the scourge of his time, was, in his love of glory, strength of character and heroic courage, one of the marvels of the Lord. Victory always followed his banner—God's curse be on him!"

He was descended from the progenitor of the royal house of Castile, and one of his daughters was an ancestor of the houses of Bourbon, Hapsburg and Guelph. For ten years after his death his embalmed body sat enthroned beside the high altar of a church near Burgos; then his and his wife's ashes were buried in the Town Hall of Burgos, whence they were yesterday transferred to the one spot in Spain deemed worthiest to hold them. Students of history, lovers of romance and worshippers of heroism may well turn one thought this week to ancient Burgos.

Every One's Friend

Lord Bryce apparently cannot conquer the habit of coming to America and Americans cannot conquer the habit of giving him the warmest of welcomes. He is here to participate in the Institute of Politics at Williams College. In his lectures he will religiously refrain, he says, from discussing current affairs.

But, try as he will, it is not likely he will succeed in keeping altogether to the academic and the abstract. His mere presence is of immediate influence. The tones of his voice, no less than the temper of his mind, have a potent effect in promoting a better understanding between Great Britain and America. Attempts to recite old anti-British prejudices wither when brought into the company of this Englishman, in many respects so English and different from the American type.

So, simply by being what he is, the former ambassador, who is more proud of his authorship of The American Commonwealth than of his title or any place he has ever held, is a messenger of good will. Eighty-three years young, he furnishes an example of proving that it is not necessary to go back to Cato's day, or even Gladstone's, for an example of glorious advanced age.

Whirlwind Dawes

General Dawes, at work less than a month, is able to notify the President that the heads of governmental departments estimate that they will be able to effect savings of one hundred and twelve and a half millions out of the appropriations for the current year.

Even more hope inspiring is the statement of the general principles that will promote economy. They are so simple that some may sneer at them as platitudes. First, an appropriation is not necessarily to be expended; second, administrative officers should be weaned from the idea that a deficiency appropriation is easy to get; third, expenditure should produce the maximum of practical result.

Thus the attention of the country is drawn to the specific application of elementary business principles in government. And General Dawes serves warning to Congress that economies and not politics must determine appropriations. To the President and Cabinet he gives a gentle hint that Executive support will go far in helping the business reorganization of the government.

The general affects the demeanor of a whirlwind. Some prejudice has been excited against him by the blaz of his unconventional methods. But behind the tornado maker stands a man of steady and clear ideas, whose program is solid and whose head is not tempestuous.

News From Askalon

That the great court built by Herod the Great in his native Askalon, border city of the Philistines, has been uncovered and identified is news that will be received with interest by all students of the Bible and of a dramatic period of the world's history just prior to the shining of the star above Bethlehem.

Herod was a mighty builder. As such he vied with Solomon. As a sub-king of Palestine he showed consummate political ability by "keeping in" with the Romans while having his way in most things, even to leaving authority to his son, "Herod the Tetrarch," who fell in love with his brother's wife, Herodias, and before whom Salome, her daughter, danced "and pleased Herod." According to the flattering Josephus, the great Herod came of the proud Jewish stock which returned from Babylon, but his detractors asserted he was of the hated race of the Philistines. The story runs that Idumean robbers attacked Askalon and carried off Antipas, his grandfather, who in time became governor of Idumea and begat Antipater, favorite of Alexandra, the Maccabean queen. Herod the Great, who united the sagacity of his grandfather to the craft of his father, ruled in his own name with great magnificence, while the onetime heroic Maccabee line came to an end in palace intrigues.

Askalon is mentioned in the Bible many times. Judges tells of its capture by Judah when the Hebrew children swept across the Jordan from the desert. But it was recaptured. Samson operated in its neighborhood, killing in the city the thirty young men who had induced his Philistine wife (not Delilah, but her predecessor), to betray the answer to his famous riddle, and thus caused Samson to lose a bet.

Zephaniah foresaw that Askalon would come to a bad end, "for Gaza would be forsaken and Ashkelon a desolation." And no one can forget the lamentation of David over the defeat and death of Saul, his king, and Jonathan, his soul-brother, which opens: "Tell it not in Gath, publish it not in the streets of Askalon lest the daughters of the Philistines rejoice."

In the twelfth century Richard Cœur de Lion partly rebuilt the Askalon fortress, and William of Tyre, the historian of the Crusades, describes the town. But it was lost beneath layers of sand until the work of excavation began, and in the great war it was for a long time the advance post of the British expedition. Its slow emergence brings back ancient days and shows again how accurate is the Bible as a book of history.

Protecting Press Freedom

In another column is a notable letter from William H. Lamar, who argued the Milwaukee Leader case before the Supreme Court and appeared for the government in the New York Call case.

Confusion exists in many newspaper offices concerning what is incorrectly feared is an invasion of the liberty of the press. The Baltimore Evening Sun has given \$500 to defend The Call and exhorts other newspapers to join in the defense. But if Mr. Lamar's clear statement could be brought to the attention of all editors it is not likely many would respond.

The issue involved in the two proceedings is solely and singly whether, in the guise of discussion, it is legal to advocate a forcible overthrow of the government. To participate in insurrection is treason; but deliberately to incite insurrection is not treasonable. Fortunately, the Supreme Court does not join in this affront to common sense. In any particular case, it holds, the question is one of fact—namely, whether or not there is incitement to violence. If there is, it finds an offense is committed and that the publication may be excluded from the mails even as one that advertises a lottery or indulges in lewdness or indecency of utterance.

The man above all others who helped to establish the liberty of the press was the great Erskine. In one of his noble arguments he declared that the starting point of a criminal inquiry was examination of intent—that the guilt of the mind was truly the crime and that overt, bad conduct was merely valuable as furnishing evidence of the presence of inner corruption. The principle has not become archaic. It is still necessary to discover when there is a purpose to advocate resort to violence. The matter of securing even the most sweeping changes by peaceable means has no relation to the other problem.

The Penal Code of New York, in the statute against criminal anarchy, draws the proper line. It is a felony to promote revolution by forcible means. In the cases of The Milwaukee Leader, The Call, The Liberator and other publications of a similar class the interrogatory to be answered is whether they have urged, directly or indirectly, the use of force. The Tribune criticized the Legislature's expulsion of its Socialist members, but not on the ground that the accusation against them constituted no offense, even though committed, but on the ground that it did not seem fairly established that they were personally guilty. But will any one say that The New York Call, for example, has not favored forcible revolution?

In the old laws the person of the king, as representative of the social whole, was of peculiar sanctity. Any one who "imagined" his death was a traitor, even though he made no attempt to compass it. In our modern world, with popular rule, organized democracy has taken the place of the king.

There seems need of a new definition of treason. This definition is being slowly matured by courts and legislatures. It is time to push on this work. Confused intellects which cannot see the difference between peaceable advocacy of change and attacks on the life principle of democracy need to be cleared of their vapors.

The Baltimore Evening Sun doubtless is well meaning. It thinks it is defending liberty; in fact, except on the theory that The Call does not preach the use of violence, it is laboring to destroy liberty in its cradle. As Russia discloses, when a minority rules by force, one of the first things to go is liberty of the press.

Hinc Ille Lacrimae

The poet for immemorial license has floated pathos in a "flood of tears." Mr. E. V. Lucas quotes a nameless bard describing the funeral passage of Queen Elizabeth on the Thames. "At every stroke the oars did let tears fall"; the fish "wept out their eyes"; and there was such grief among the population that the barge "would have come by water if it had rowed by land." Less general inundations occur in most well regulated romances. Strong men weep copiously in fiction, though seldom

Those Erie Birds

To the Editor of The Tribune.

Sir: Replying to "Main Line's" letter in to-day's paper, the birds he has seen from the Erie train, near Croton, are coots, or mud hens, and if he will watch more closely he will see with them a small flock of black ducks. I have watched these birds for several years.

H. C. C.

Jersey City, N. J., July 18, 1921.

The Conning Tower

It strikes us that society news, dull to us, at any rate—in the winter, is even less readable in summer and that it might be enlivened by rewriting, in verse, some of the society paragraphs. Yesterday's news, frexamp, might have been jollier reading with: Mr. and Mrs. John Henry Meek—Sleepy Hollow Country Club all this week.

Miss Elizabeth Hobbs is spending July Up at Cooperstown, N. Y.

Among those leaving for Lake Bonoseen are Mrs. Sally Farnham and Miss Neysa McMein.

Returned from Paris, Mrs. Lydig Hoyt, who says that Paris Has Quit Short Skoit.

FRANKIE AND JOHNNY (As M. P. thinks Beatrice Fairfax would do it)

Advice to the Lovelorn

By Beatrice Fairfax

DEAR MISS FAIRFAX:

Please tell me what to do. I have been keeping company with a very nice fellow named Johnny for several years. He has been very attentive to me, has taken me to Coney Island and on wonderful parties frequently, and has always been a free spender. Recently his ardor for me has cooled and for no apparent reason he has started paying attentions to another girl. What shall I do? I am very much in love with him and have let him put his arm around my waist and everything. Do you think I would be justified in shooting him? My heart is crying out "He was my man and he done me wrong." Please answer soon as I am desperate.

FRANKIE.

The Middle West Goes Coatsless

To the Editor of The Tribune.

Sir: A recent "coatsless man" discussion, let me state that I stand firmly upon the affirmative. I want to be comfortable and to appear cool in my office and on the street.

In the central sections of the country—St. Louis, Kansas City, etc.—where this "coatsless man" idea started some years ago, it is common to see men going about their daily business without coats, but, as "A Woman" remarks in Friday's Tribune, it means shirts and belts, not vests or suspenders. As a matter of history, the silk shirt was produced in response to a demand for something a little more dressy than the "flesh front" shirts then common. And it was produced for use in the central West, where men are not compelled to wear their coats unless they want to on hot summer days.

A MAN.

New York, July 16, 1921.

Legionnaires and Bonus

To the Editor of The Tribune.

Sir: Alexander Sidney Lanier in to-day's issue states that "the heads of the American Legion, of which I am a member, do not represent the majority sentiment of the Legionnaires." Excuse the slang, but "where does he get that stuff?"

I am a member of the Legion myself and would like to say to Mr. Lanier that the best thing for him to do if he wants to be a good Legionnaire is to back up the officers, even if he is not in favor of what they are doing. That's the trouble with some members; they object to what's going on and then claim themselves the majority.

Will some one answer this question for me? Why can a country like Canada hand out bonuses to its men, amounting in some cases to hundreds of dollars, and this country can't do it?

WILLIAM FRED TAIT.

Edgewater, N. J., July 19, 1921.

In 1917

To the Editor of The Tribune.

Sir: Your explanation of Mayor Mitchell's defeat in 1917 attributes it to William M. Bennett's refusal to "fuse." Will you permit these reminders? Bennett won over Mitchell in the primaries in spite of violent efforts by the Republican organization to win out for Mitchell; the Bennett and Mitchell votes combined were over 100,000 fewer than Hyland's votes; there was an enormous anti-Mitchell opposition among voters due to specific, preventable mistakes by Fusion.

WILLIAM H. ALLEN.

New York, July 17, 1921.

The Law and the Communistic Press

A Review by the Solicitor for the Postoffice Department Who Appeared in the Milwaukee Leader and New York Call Cases

To the Editor of The Tribune.

Sir: I do not know whether or not your former editorial attitude with respect to the application by the Postoffice Department of the non-mailable statutes to prevent the circulation through the mails of Communistic matter has undergone a change since the recent decision of the Supreme Court in the Milwaukee Leader case and that of the Court of Appeals of the District of Columbia in the New York Call case. But your former attitude on this question, taken in connection with the recent proposal of The Baltimore Evening Sun to the metropolitan press, in which that newspaper offers to head a subscription list with \$500 for the creation of a fund to aid The New York Call in prosecuting an appeal to the Supreme Court of the United States, would seem to justify a statement from me in your columns at this time, when the Baltimore Evening Sun proposition is being so generally discussed by the newspapers throughout the country.

As Solicitor for the Postoffice Department I argued the Milwaukee Leader case before the Supreme Court of the United States and I also represented the government before the Court of Appeals of the District of Columbia in the New York Call case.

In my official capacity I have for the last few years been in a position to note that more misinformation has been published in the metropolitan press with respect to the enforcement by the Postoffice Department of the non-mailable laws than upon any other matter of public interest. The reason for this is apparent.


Freedom of the Press

The press generally has assumed, erroneously and without proper investigation, that any limitation upon which the freedom of the press as guaranteed by the Federal Constitution might be curtailed or limited. Upon this assumption many great newspapers have rushed to the support of Communist publishers who are in fact parties to a criminal conspiracy to overthrow the government of the United States by force and bloodshed.

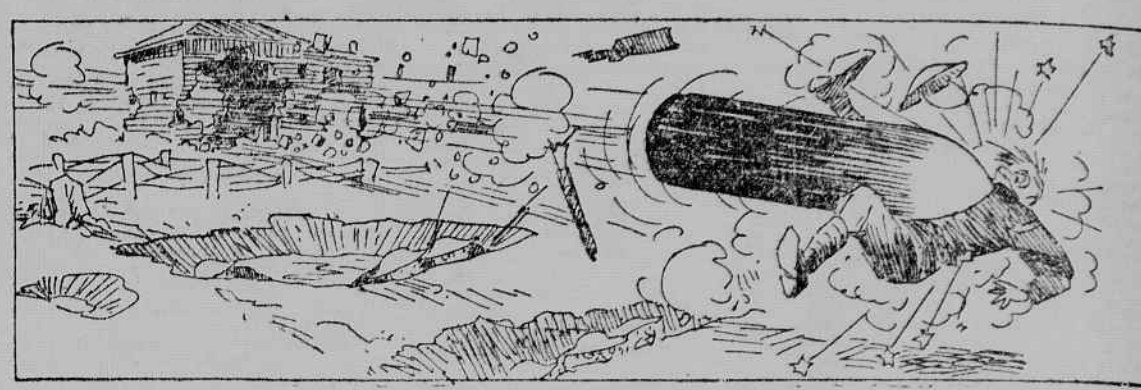
Freedom of speech and freedom of the press are guaranteed by the Federal Constitution, but that provision of our organic law has never been construed to cover license to incite a mob to destroy life and property either by speech or through printed matter. The Constitution simply protects the freedom of the individual and the press in their rights under the Constitution and valid laws of the land. The utterance of matter inciting treason or insurrection and the forcible overthrow of the government, matter evil in itself and intended to destroy the gov-

EASY BY COMPARISON

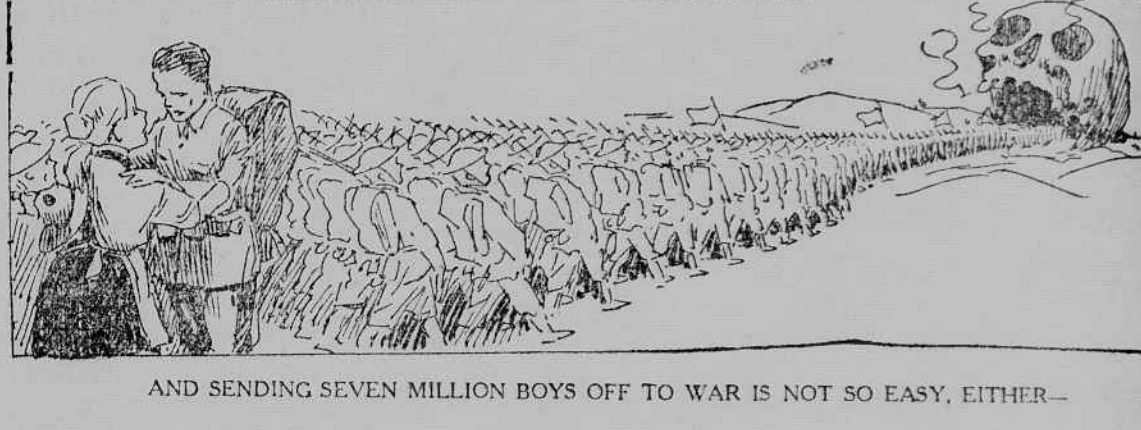
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IT IS GOING TO BE HARD TO REMOVE ALL THE DIFFICULTIES IN THE WAY OF INTERNATIONAL DISARMAMENT—



BUT, AFTER ALL, STOPPING A TWO-TON PROJECTILE WITH YOUR CHIN HAS ITS DIFFICULTIES—



AND SENDING SEVEN MILLION BOYS OFF TO WAR IS NOT SO EASY, EITHER—



AND DISARMAMENT CAN'T BE MUCH HARDER TO FIGURE OUT THAN FORTY MILLION INCOME TAX BLANKS

The Law and the Communistic Press

A Review by the Solicitor for the Postoffice Department Who Appeared in the Milwaukee Leader and New York Call Cases

ermment whose protection is invoked, is certainly not of a class intended to be made free by our Constitution. But, however this may be, the Federal Constitution provided for the establishment of a postal service, and many laws have been passed by Congress defining and limiting the matter which this governmental instrumentality may transport and deliver.

The administration of these laws in no way involves a censorship of the press. If matter is published which does not violate the law it can go through the mails. If it does violate the law it may be thrown out of the mails. That is all there is to it. The administration of these laws is imposed by Congress upon the Postoffice Department, which has nothing to do with prosecutions under the criminal law.

Two Classes of Laws

The criminal laws are administered through the Department of Justice. A failure or delay on the part of the legal department to prosecute is no excuse for the failure of the postal establishment to execute the non-mailable statutes. The one class of statutes is civil and preventive, while the other is criminal and punitive. The administration of these two classes of laws involves the application of different rules of evidence, a preponderance of evidence being sufficient to establish a fact in a civil case, while guilt must be established beyond a reasonable doubt in a criminal case.

Such editorials would lead the public to infer that under the decisions of the courts in the Milwaukee Leader and the New York Call cases the newspapers generally are left at the mercy of the Postmaster General, his "fat" being the equivalent of law. Such is not the case. In fact, these laws place no power in the hands of the Postmaster General which affects the freedom of the press or the individual when engaged in undertakings which have not been declared by the Federal statutes to be contrary to public policy.

Any publisher who feels aggrieved at the action of the Postmaster General can go into a court of equity immediately and restrain the execution of any order of that official if it has been illegally or arbitrarily issued. The real question is, therefore, whether these editors find reason to fear the equity courts of the land, whose decisions are reviewable by the Supreme Court of the United States in such cases.

There can be no dispute on the proposition that our people can, by constitutional and legal means, change their form of government, but such a proposition can have no place in this discussion for the simple reason that the very publishers in behalf of whom the principle is invoked repudiate on all occasions any such plan for ac-

complishing their objects. Their slogan is "Revolution, not reform," and they boldly assert that revolution cannot be accomplished without civil war. Their propaganda material becomes non-mailable because, as the courts have held, it violates the statutes which the Postmaster General is under oath to enforce.

Do these editors think our people have no legal means of protecting themselves, through their government, until they find their hands tied and their eyes looking into the muzzles of the Communist guns, while their property is being parcelled out to others?

I am in a position to say that many of the greatest lawyers in the country have carefully studied the two court decisions with which these editorials deal and are of the opinion that they are fundamentally sound, and that if the Call case is appealed the Supreme Court will sustain the lower court, as it did in the Milwaukee Leader case, the principle being the same, as suggested by Justice Brandeis in his dissenting opinion in that case.

I may say that the attention of the Court of Appeals of the District of Columbia was called to these State Department documents at the hearing, and the court was requested to take judicial notice thereof.

Revolutionary Scheme

Any one who reads The Call, The Liberator and other papers of that class can see where every paragraph they publish fits into the revolutionary scheme as outlined by the revolutionary leaders themselves, which appears in our State Department publications. But beyond all this, the departmental records at Washington establish in many cases a direct personal association of the publishers of the Communist papers in this country with the revolutionary leaders in other countries, as well as with the acknowledged revolutionary leaders in this country.

It is not a question of "respectability or lack of respectability of the doctrines of the Communist newspapers"—as one of these editorials puts it—with which we are dealing, but the application of existing law to prevent the use of the United States mails in putting into effect the plans of the revolutionary movement, of which movement the publishers of these Communist papers constitute an essential element. This was the view of Mr. Burleson.

The attitude of many metropolitan newspapers (without regard to party) on this important question for over a year has, in the judgment of many readers, been very unfortunate and even startling to the conservative elements in both political parties. It would, therefore, seem to be high time for some one in a position to do so to discuss the situation in your columns with freedom and frankness.

WILLIAM H. LAMAR.

Washington, D. C., July 18, 1921.